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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,637	04/17/2001	Alberto Borgonovo	PA000007	7204

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EXAMINER

GRAHAM, ANDREW R

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,637	Applicant(s) BORGONOVO, ALBERTO	
	Examiner Andrew Graham	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

1. In view of the Decision on Appeal filed on 12/19/2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Objections

2. **Claim 2** is objected to because "chat" in the second line appears to incorporate a typographical error. The correct word, based on the context of the limitation, appears to be "that".

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being unpatentable over Heirich et al (USPN 5689574), hereafter, "Heirich".

Heirich discloses an integral sound module for a computer monitor.

Specifically regarding Claim 1, Heirich teaches:

A cabinet (Figure 1) for an electronic device (10) (computer monitor/visual output system) equipped with a loudspeaker (34,36) for audio reproduction characterized in that said cabinet (of 10) comprises a main cabinet (housing 18 of 12) for housing electrical and mechanical components (such as 24) of the electrical device (10) (col. 3, lines 25-63) and

further comprises a loudspeaker cabinet (comprising 26,30,32) for said loudspeaker (34,36) (col. 3, line 64-col. 4, line 53),

said loudspeaker cabinet (comprising 26,30,32) being separate from said main cabinet (18) (see side view, Figure 13, which shows 'separate') and

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connected to the outside (the bottom of 18) in a non-detachable manner (30 and 32 held to 18 through the use of screws, col. 8, lines 39-61; applicant's specification discloses that screws are one form of conventional form of securing means that can be arranged in a non-detachable manner, page 5, lines 25-30; thus, use of screws is understood to meet scope of 'non-detachable', so far as such as scope is represented in applicant's specification; to argue that the screws of Heirich are detachable, in comparison with applicant's disclosure, would necessitate a rejection of this limitation under 35 U.S.C. 112 1st paragraph for lack of adequate written description; further, Heirich discloses that 10 is an 'integral' unit comprising 12 and 14, which further supports 'non-detachable' nature of 14 relative to 12, col. 3, lines 25-39; further, the openings for the screws are on the bottom of the unit 10, which in customary use, is not accessible to a user and/or covered by base 16, both concepts further support the idea of the Heirich system being integral or non-detachable)

Regarding **Claim 2**, Heirich, teaches:

a vibration damping means (40) arranged between the main cabinet (18) and the loudspeaker cabinet (comprising 26,30,32)(col. 8, lines 33-58)

Regarding **Claim 3**, Heirich teaches:

inside the loudspeaker cabinet (comprising 26,30,32), electronic circuitry is arranged (as part of 34 or supply of electrical signal to 34, which protrudes into audio chamber, as is shown in Figure 10)

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Regarding **Claim 4**, Heirich teaches:

the main cabinet (18) is provided with urging means (threads in 18 or screw 82 that engages 18) pressing the loudspeaker cabinet (30) against the main cabinet (18)(Figure 11)(threads of 18 for engaging 82 or screw 82 itself provides resistive force for holding 30 to 18, as part of conventional screw function, col. 8, lines 31-61)

Regarding **Claim 5**, Heirich teaches:

said urging means (threads of 18 for 82 or screw 82 itself) are arranged such that the loudspeaker cabinet (30) is pressed against the vibration damping means (40)(engaging opening of 18 for 82 or 82 itself provide physical resistance locking 30 to 18 via 40, col. 8, lines 46-61)

4. **Claims 1-5** are rejected under 35 U.S.C. 102(b) as being unpatentable over You et al (USPN 5361380), hereafter "You".

You discloses a subwoofer module for mounting on a television.

Specifically regarding Claim 1, You teaches:

A cabinet (Figure 3) for an electronic device (television set, Abstract) equipped with a loudspeaker (14) for audio reproduction characterized in that (col. 3, lines 37-51; Figure 3)

said cabinet (Figure 3) comprises a main cabinet (34) for housing electrical and mechanical components (such as CRT and electrical signal and power connections thereto) of the electrical device (television set)(col. 4, lines 26-49)

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and further comprises a loudspeaker cabinet (12) for said loudspeaker (14) (col. 3, lines 52-66),

said loudspeaker cabinet (12) being separate from said main cabinet (34) (Figures 2A-2B)

and connected in a non-detachable manner (through the use of tools and screws, which, as cited above, falls within the scope of the 'non-detachable' that is substantiated by the applicant's specification; the specific mention of tools, col. 4, lines 30-38, particularly supports the position that the unit is non-detachable, as in standard use of the television set, the two housings would not be separable; connection is further described as tightened or secured, col. 4, lines 1-2 and 21-25; it is further noted that integral and rigidly secured units are at least obvious variants of each other, as noted in MPEP 2144.04, part B).

Regarding **Claim 2**, You teaches:

a vibration damping means (rubber strip 32) is arranged between the main cabinet (34) and the loudspeaker cabinet (12) (col. 4, lines 2-6; rubber is well-known in the art to have sound damping properties, as is further substantiated in applicant's specification, top of page 6, for example)

Regarding **Claim 3**, You teaches:

inside the loudspeaker cabinet (12), electronic circuitry is arranged (such as speaker 14, which converts electrical signal to sound wave and thus comprises some form of electronic circuitry,

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including connection wires for supplying electrical signal thereto;
col. 4, lines 50-56)

Regarding **Claim 4**, You teaches:

the main cabinet (34) is provided with urging means (44) pressing the loudspeaker cabinet (12) against the main cabinet (34) (lugs 44 provide resistive force in downward direction at least on positioners 27, and are involved in the keeping or pressing of module 12 onto housing 34 via friction members 32, col. 4, lines 30-36)

Regarding **Claim 5**, You teaches:

said urging means (44) are arranged such that the loudspeaker cabinet (12) is pressed against the vibration damping means (32) (32 between 12 and 34, Figures 2A-2B and 3, col. 4, lines 32-36)

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday, 8:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached at 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

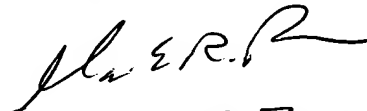


Andrew Graham
Examiner
A.U. 2644

ag
February 17, 2006



SINH TRAN
SUPERVISORY PATENT EXAMINER


DIRECTOR Z600